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DEBORAH YOUNG, CLERK

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12 MAY 24 AM 9:44

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1 **TEVIS REICH**
2 **6 East Dale Avenue**
3 **Flagstaff, Arizona 86001**
4 **928-213-1800**
5 **928-779-0447 (fax)**
6 **SBA #022658**
7 **Tevis@TRreichLaw.com**
8 **Attorney for Plaintiffs/Counter Defendants**

5 **SUPERIOR COURT OF ARIZONA**
6 **COCONINO COUNTY**

7 ROBERT R. HAWK and CECELIA J.)
8 HAWK, husband and wife,)
9 Plaintiffs/Counter Defendant,)
10 vs.)
11 PC VILLAGE ASSOCIATION INC., an)
12 Arizona Corporation,)
13 Defendant/Counter Plaintiffs.)

Case No.: CV 2011-00775

9 **SECOND SUPPLEMENTAL AFFIDAVIT**
10 **OF ATTORNEY'S FEES AND COSTS**

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14 1. This affidavit is submitted to supplement the fees requested in the matter as set forth in
15 the original affidavit and the first supplemental affidavit.

16 2. I make this affidavit on my own personal knowledge and I am competent to testify to
17 the things stated herein.

18 3. The additional time, as set forth below, has been expended since the date of the original
19 affidavit requesting attorney's fees.

20 4. Attorney's fees incurred for time spent in establishing entitlement to an award of
21 attorney's fees are compensable in a fee award. *See, Larkin v. State ex rel. Rottas*, 175 Ariz.
22 417, 857 P.2d 1271 (App. 1992)(fee expended by a party to establish entitlement to fees are
23 compensable); *See also, In re Nucorp Energy, Inc.*, 764 F.2d 655, 662 (9th Cir.

24 1985)(recognizing that the preparation, presentation and defense of position in fee applications
25 involve substantial investments of time and effort for both counsel and their staff and that it
26

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1 would be inconsistent and against public policy to require the expenditure of this time and
2 these efforts without just compensation

3 5. Plaintiff has expended the following additional time which should be included and
4 considered in any award issued by the Court.

5 4. The following is a summary of Exhibit 1, and set forth the additional time expended by
6 the legal personnel and their respective hourly rates.

ATTORNEY	RATE	HOURS	AMOUNT
Tevis Reich	\$200.00	9	\$1,800.00
LEGAL ASSISTANTS			
Nicole Grohmann	\$85.00	0.6	\$ 51.00
Carol Smith	\$95.00	1.4	\$ 133.00

TOTAL \$1,984.00

VERIFIED STATEMENT OF COSTS

5. Exhibit 1 also reflects additional taxable costs incurred on behalf of Plaintiffs in this matter.
6. Plaintiff requests that the forgoing fees be awarded in addition to the fees requested in the original affidavit and request a total award of fees as follows:

ATTORNEYS FEES ORIGINAL AFFIDAVIT	\$ 19,476.50
COSTS ORIGINAL AFFIDAVIT	\$ 296.00
ATTORNEYS FEES 1 st SUPPLEMENTAL AFFIDAVIT	\$ 1,216.50
ATTORNEYS FEES 2 nd SUPPLEMENTAL AFFIDAVIT	\$ 1,984.00
COSTS 2 nd SUPPLEMENTAL AFFIDAVIT	\$ 61.00

TOTAL \$ 23,034.00



Tevis Reich
Attorney for Plaintiffs/Counter Defendants

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STATE OF ARIZONA)
) ss.
County of Coconino)

SUBSCRIBED AND SWORN to before me this 24 day of May, 2012 by Tevis Reich.

Nicole Grohmann
Notary Public

Commission Expiration Date:



A copy of the foregoing
emailed this
24 day of May, 2012 to:

Edward G. Hochuli
J. Gary Linder
Jones, Skelton & Hochuli, P.L.C.
2901 N. Central Ave., Suite 800
Phoenix, AZ 85012

By: Nicole Grohmann

TEVIS REICH
6 East Dale Avenue
Flagstaff, Arizona 86001

Tevis Reich, Attorney at Law

6 East Dale Avenue
Flagstaff, AZ 86001

Robert Hawk
2868 S. Greenside Pl.
Green Valley, AZ 85614

May 23, 2012

In Reference To: Pine Canyon

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
4/23/2012	TR Receive notice of appeal; prepare correspondence to client explaining the same.	0.40 200.00/hr	80.00
	NG Prepare dictated emails to Client regarding the Notice of Appeal filed by the PC HOA.	0.40 85.00/hr	34.00
4/30/2012	TR Review rules regarding jurisdiction of trial court following notice of appeal; travel to and from and appear at hearing.	1.20 200.00/hr	240.00
5/1/2012	TR Review file; prepare draft language for subpoena and direct preparation of the same; finalize and direct issuance and service.	0.60 200.00/hr	120.00
	CS Prepare subpoena duces tecum to Jones, Skelton & Hochuli; forward to process server with instructions for service;	0.60 95.00/hr	57.00
5/9/2012	TR Receipt and review minute entry from 4/30/12 hearing; copy client and calendar dates for attorney fees hearing.	0.20 200.00/hr	40.00
5/21/2012	TR Review file; prepare email to Linder regarding subpoenaed docs; direct staff to transmit via fax also. Telephone call with Robert discuss status and hearing.	0.60 200.00/hr	120.00
	NG Prepare facsimile to Gary Linder regarding the subpoena documents that were due by the end of business May 21, 2012.	0.20 85.00/hr	17.00
5/22/2012	TR Receive email from opposing counsel, Gary Linder regarding subpoenaed documents; receive fee documents subpoenaed and review the same in detail; prepare email to Mr. Linder regarding missing documents and exchange emails regarding the same; receive missing summary	2.30 200.00/hr	460.00

(928) 213-1800



		<u>Hrs/Rate</u>	<u>Amount</u>
	documents and review the same. Direct staff to prepare supplemental affidavit in support of additional time.		
5/22/2012 CS	Prepare draft of supplemental affidavit regarding attorney fees and revise and finalize same;	0.80 95.00/hr	76.00
5/23/2012 TR	Prepare for hearing contesting fees; prepare outline of contested points and prepare for possibility of evidentiary hearing regarding certain fees being contested.	2.20 200.00/hr	440.00
5/24/2012 TR	Prepare for and attend hearing regarding contested fees issue. (Anticipated Time for Supp. App.).	1.50 200.00/hr	300.00
	For professional services rendered	<u>11.00</u>	<u>\$1,984.00</u>
	Additional Charges :		
5/1/2012	Coconino County Superior Court - issue subpoena		26.00
5/4/2012	Larkey Process Professionals – service of subpoena		35.00
	Total additional charges		<u>\$61.00</u>
	For professional services rendered		<u>\$2,045.00</u>

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Category

CV



Case Number

S0300CV201100775



Filing Date

5/24/2012



Event Code

10163



Sequence

1



Party Type

P



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P-1



Document Id

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Restricted Flag

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